

REMARKS

Claims 1 through 21, 25 and 26 remain in this application for active consideration.

In the outstanding official action, claims 13, 15 through 17 and 19 through 21 were rejected under U.S.C. § 102(b) as being anticipated by US 5,798,086 to Erickson (the '086 patent) and claims 22 through 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by US 3,045,989 to Kittel (the '989 patent). On the other hand, claims 1 through 12, 25 and 26 were allowed and claims 14 and 18 were objected to solely on the basis that the same were dependent upon a rejected base claim. Additionally, the supplemental information disclosure statement filed on January 12, 2005 was objected to on the basis that the same fails to comply with the requirements of 37 C.F.R. §§ 1.97 and 1.98 and of MPEP § 609. Applicants respectfully traverse the stated rejections and objections and submit that remaining claims 1 through 21, 25 and 26 as presented above are patentable over the cited prior art references and that the application is otherwise in condition for allowance.

Regarding the objection to the form of claims 14 and 18, these claims have been amended so as to present the subject matter thereof in independent form. Accordingly, these claims should now be in condition for allowance.

With regard to the rejection of claims 13, 15 through 17 and 19 through 21 as being anticipated by the '086 patent, it is submitted that this reference is relevant only because it includes the baffles 62 (see Figs. 6 and 7) which the examiner believes will impede liquid from jumping over the center downcomer 68. However, claims 13, 17 and 21 have been amended above to recite that the baffles are positioned above said center downcomer. No such construction is disclosed or suggested by the '086 patent, either explicitly or inherently, and it is therefore submitted that claims 13, 17 and 21, as amended above, clearly define structure which

is patentably distinguishable from the structure disclosed in the '086 patent. Claims 15, 16, 19 and 20, are dependent claims which depend either directly or indirectly from either claim 13 or claim 17. Accordingly, these dependent claims define patentably over the '086 patent for the same reasons discussed above in connection with the parent claims.

Turning now to the rejection of claims 22 through 24 as being anticipated by the '989 patent, these claims have been canceled.

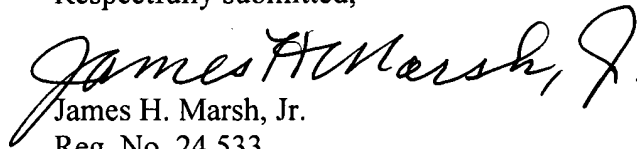
Concerning the objections to the supplemental information disclosure statement of January 12, 2005 and the refusal by the examiner to consider the listed reference (WO 98/39077), the examiner's attention is directed to the final paragraph of the disclosure statement where it is stated that "[a] copy of listed reference is attached pursuant to 37 C.F.R. § 1.98 (a)(2)(i)." Perhaps the included copy of the listed reference became separated from the supplemental information disclosure statement after receipt by the Office. In any event, it appears from the record that the supplemental information disclosure statement submitted by applicants did in fact include a copy of the listed reference and therefore complied fully with the requirements of 37 C.F.R. §§ 1.97 and 1.98 and MPEP § 609. Accordingly, it is submitted that the examiner's refusal to consider the reference is not supported by the record and should be reconsidered.

As amended above, this application includes two additional independent claims. Accordingly, it is believed that an additional filing fee in the amount of \$400.00 is required at this time and a check in this amount is enclosed.

In view of the foregoing amendments and the amendments and remarks submitted previously, it is respectfully submitted that the claims remaining for active consideration in this

application define patentably over the cited reference and comply fully with all of the formal requirements of the patent statutes and rules and regulations of the Office. Accordingly, favorable action at an early date will be appreciated. If the examiner is of the view that any issue remains unresolved, it is respectfully suggested that applicants' undersigned attorney may be contacted at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in cursive script, reading "James H. Marsh, Jr.", written in black ink.

James H. Marsh, Jr.

Reg. No. 24,533

STINSON MORRISON HECKER LLP

1201 Walnut Street, Suite 2900

Kansas City, MO 64106-2150

Telephone: (816) 842-8600

Facsimile: (816) 691-3495